

PATENT COOPERATION TREATY

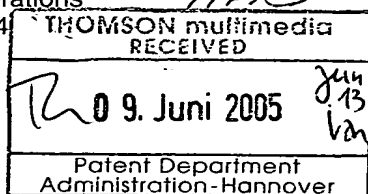
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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing
(day/month/year)

08.06.2005 1PER V3W

Applicant's or agent's file reference
PD030048 ✓

IMPORTANT NOTIFICATION

International application No.
PCT/EP2004/004406

International filing date (day/month/year)
27.04.2004

Priority date (day/month/year)
16.05.2003

Applicant
DEUTSCHE THOMSON-BRANDT GMBH et al

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international
preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PD030048		FOR FURTHER ACTION		See Form PCT/PEA/416
International application No. PCT/EP2004/004406		International filing date (day/month/year) 27.04.2004	Priority date (day/month/year) 16.05.2003	
International Patent Classification (IPC) or national classification and IPC G11B20/14, G11B20/10, G11B27/30				
Applicant DEUTSCHE THOMSON-BRANDT GMBH et al				
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau a total of 5 sheets, as follows:</p> <p style="margin-left: 40px;"><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>				
<p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the opinion</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</p>				
Date of submission of the demand 12.03.2005		Date of completion of this report 08.06.2005		
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465		Authorized Officer Sucher, R Telephone No. +49 89 2399-2148 		

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/004406

Box No. 1 Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
- ☐ international search (under Rules 12.3 and 23.1(b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

Description, Pages

1-9 as originally filed

Claims, Numbers

1-16 received on 12.03.2005 with letter of 08.03.2005

Drawings, Sheets

1/3-3/3 as originally filed

- ☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages
 - ☐ the claims, Nos.
 - ☐ the drawings, sheets/figs
 - ☐ the sequence listing (*specify*):
 - ☐ any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/EP2004/004406

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-16
	No: Claims	
Inventive step (IS)	Yes: Claims	1-16
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-16
	No: Claims	

2. Citations and explanations (Rule 70.7):

see separate sheet

Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

see separate sheet

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following documents:

- D1: PATENT ABSTRACTS OF JAPAN vol. 2002, no. 12, 12 December 2002 & JP 2002 216424 A (RICOH CO LTD), 2 August 2002;
- D2: EP-A-1 150 291 (SONY CORP) 31 October 2001;
- D3: PATENT ABSTRACTS OF JAPAN vol. 2000, no. 26, 1 July 2002 & JP 2001 266493 A (SONY CORP), 28 September 2001.

2. Claim 1 defines to convert the sampled signal into a converted signal which represents data at the channel bit clock. However, the claim does not define how information about the channel bit clock is generated. It is clear from the description in conjunction with fig. 2 that it is essential to the definition of the invention that the channel bit clock is calculated from the analysis information and/or the distance information as defined in claim 2, cf. also claim 11. Since independent claim 1 does not contain this feature it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.
3. Document D1 discloses (see in particular par. 0025-0032 in conjunction with figs. 5 and 6) a method for data recovery from a time-continuous signal having a specific channel bit clock and a sync pattern occurring at regular intervals, comprising
- sampling the time-continuous signal at a frequency higher than the channel bit clock (A/D conversion section 11, oscillator 12),
 - analysing the sampled signal to locate occurrences of one or more of the sync patterns, thereby making available, as an analysis information, where in the sampled signal the sync patterns are located (synchronizing signal detecting section 14),
 - calculating from the analysis information a distance information about the distance between consecutive locations of sync patterns (synchronizing signal period calculation section 17),
 - calculating from the distance information the channel bit clock (data period

calculation section 15), and

converting the sampled signal into a converted signal which represents the data at the channel bit clock (data extraction section 16).

From this, the subject-matter of claim 1 differs by recognizing the signal format to which the signal complies from the analysis information and the distance information.

Documents D2 and D3 disclose to discriminate the kind of the optical disk from the pattern of the synchronizing signal detected from the reproduced signal. Since none of the prior art documents suggests to detect the signal format corresponding to the kind of the disk from the location and the distance of consecutive sync patterns, the subject-matter of claim 1 appears to involve an inventive step in the sense of Article 33(3) PCT.

4. Claim 11 only comprises functional apparatus features corresponding to the method features according to claim 1. Consequently, the statement made with respect to claim 1 is also valid for claim 11.
5. Claims 2-10 and 12-16 are dependent on claims 1 and 11, respectively, and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Re Item VII

Certain defects in the international application

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in document D1 is not mentioned in the description, nor is this document identified therein.

Re Item VIII

Certain observations on the international application

see item V above.